

Message Text

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PAGE 01 SANTIA 02575 102306Z

12

ACTION ARA-20

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 DRC-01 /110 W

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R 102207Z MAY 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 8547

INFO US MISSION GENEVA 381

US MISSION USUN NEW YORK 792

C O N F I D E N T I A L SANTIAGO 2575

EO 11652: GDS

TAGS: CI, PINS, PGOV

SUBJ: CRIMINAL PENALTIES PRESCRIBED FOR PLITICAL PARTY
ACTIVITIES

REF: A) SANTIAGO 2524, B) SANTIAGO 5111 OC 19 1973,
C) SANTIAGO 1413

1. SUMMARY. GOC HAS SPECIFIED CRIMINAL PENALTIES FOR VIOLATION
OF DECREE LAW CONCERNING RECESS OF ACTIVITIES ON NON-MARXIST
POLITICAL PARTIES. END SUMMARY.

2. DECREE LAW 78 ISSUED BY JUNTA IN OCTOBER 1973 DECLARED "IN
RECESS" ALL NON-MARXIST POLITICAL PARTIES, PERMITTING ONLY ADMINI-
STRATIVE HOUSE-KEEPING. DECREEE LAW 77 HAD PREVIOUSLY OUTLAWED
PARTIES OF ALLENDE POPULAR UNITY COALITION. NO RPT NO SPECIFIC
SANCTIONS FOR VIOLATION OF DECREE LAW 78 HAD BEEN PRESCRIBED,
HOWEVER.

3. DIARIO OFICIAL OF MAY 10 CARRIES AMENDMENT TO DECREEE LAW 78
SIGNED APRIL 22, ADDING NEW ARTICLE WHICH IMPOSES CRIMINAL
PENALTIES FOR VIOLATION OF PROHIBITION OF SUBSTANTIVE ACTIVITIES
BY RECESSED PARTIES. PENALTIES ARE CONFINEMENT AND LABOR,
BANISHMENT "TO AN INHABITED POINT IN THE REPUBLIC" IN WHICH IN-
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PAGE 02 SANTIA 02575 102306Z

DIVIDUAL IS FREE BUT CONFINED TO DEFINED AREA, OR EXPULSION FROM

CHILE TO ANOTHER COUNTRY OF INDIVIDUAL'S OWN CHOICE. DURATION OF PENALTIES CAN RANGE FROM 61 DAYS TO 5 YEARS. AMENDMENT PROVIDES THAT MINISTER OF INTERIOR OR GOVERNOR OF PROVINCE (INTENDENTE) MAY WITHDRAW CHARGES AND TERMINATE LEGAL PROCESS AT ANY TIME.

4. COMMENT. THIS MOVE BY GOC ADDS SHARP TEETH TO DECREE LAW 78 AND IS ANSWER TO DOUBTS OF CHRISTIAN DEMOCRATS AND OTHERS REGARDING ITS IMPLEMENTATION. PROVISION FOR INTERRUPTION OF LEGAL PROCESS BY MIN INTERIOR OR INTENDENTES MAY REFLECT RECOGNITION THAT THIS WEAPON WILL NEED VERY CAREFUL HANDLING. NEAR-ESCAPE FROM ARREST OF PDC PRESIDENT ALYWIN AT RECENT PROVINCIAL MEETING (REF A) ILLUSTRATES POTENTIAL FOR CRITICAL CONFRONTATION BETWEEN PDC AND GOC WHICH THIS NEW MEASURE COULD PRECIPITATE. AS OF MIDDAY MAY 10 REPRESENTATIVE PDC LEADERS HAD NOT YET HAD TIME TO DIGEST AND REACT TO THIS DEVELOPMENT.
POPPER

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